

ENTERED

August 07, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

JEROME LEWIS LEITA,

Petitioner,

VS.

BOBBY LUMPKIN,

Respondent.

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Civil Case No. 6:21-CV-00059

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the July 22, 2024 Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Julie K. Hampton. (Dkt. No. 60). Magistrate Judge Hampton made findings and conclusions and recommended that Leita’s Motion to Set Aside Under FRCP 60(b), (Dkt. No. 59), be denied. (Dkt. No. 60 at 1, 5).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

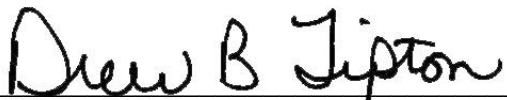
Accordingly, the Court accepts the M&R and adopts it as the opinion of the Court.

It is therefore ordered that:

- (1) Magistrate Judge Hampton’s M&R (Dkt. No. 60) is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Leita’s Motion to Set Aside Under FRCP 60(b), (Dkt. No. 59), is **DENIED**.

It is SO ORDERED.

Signed on August 7, 2024.


DREW B. TIPTON
UNITED STATES DISTRICT JUDGE